

STATUTE OF LIMITATIONS FOR CRIMINAL CONDUCT**AMENDMENTS**

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Todd D. Weiler

House Sponsor: _____

LONG TITLE**General Description:**

This bill allows an individual to bring a cause of action after a criminal proceeding for a limited period of time even if a statute of limitations has expired.

Highlighted Provisions:

This bill:

- defines terms; and
- provides the circumstances under which an individual who is a victim of certain crimes may bring a civil cause of action after a criminal proceeding ends even if a statute of limitations has expired.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

78B-2-119, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **78B-2-119** is enacted to read:



78B-2-119. Statute of limitations after criminal proceeding.

(1) As used in this section:

(a) "Cause of action" means any civil claim that a victim could bring against a defendant for criminal conduct committed against the victim.

(b) (i) "Criminal conduct" means any act that is charged as a felony under:

(A) Title 76, Chapter 5, Offenses Against the Person; or

(B) Title 76, Chapter 4, Inchoate Offenses, that is directly related to prohibited conduct under Title 76, Chapter 5, Offenses Against the Person.

(c) "Victim" means an individual directly harmed by criminal conduct or the individual's representative.

(2) (a) Notwithstanding any statute of limitations, a victim may bring a cause of action if:

(i) the defendant to the cause of action was charged by a criminal complaint or indictment for criminal conduct;

(ii) the cause of action is brought within one year from the day on which a final disposition for the criminal proceeding is issued;

(iii) the cause of action is brought to address any harm resulting from the criminal conduct that was at issue in the criminal proceeding described in Subsection (2)(a)(ii); and

(iv) the applicable statute of limitations that would apply to the conduct at issue in the cause of action did not expire before May 4, 2022.

(b) A defendant does not need to be convicted of the criminal conduct for an individual to bring a cause of action under Subsection (2)(a).

(3) Subsection (2)(a) does not:

(a) shorten an applicable statute of limitations or an applicable tolling provision;

(b) toll or extend an applicable statute of limitations for an action that is brought against an employer or former employer of a defendant described in Subsection (2)(a)(i); or

(c) require an insurer to defend or indemnify a defendant for a cause of action that would otherwise be barred if not for Subsection (2)(a).